

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 500 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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WIDOW OF BUDHA VANA

Versus

STATE OF GUJARAT

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Appearance:

BY POST for Petitioner

Mr. D.N.Patel, LAPP for Respondent No. 1

SERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 02/07/97

ORAL JUDGEMENT

Alleging that her husband was hail and hearty and was not having any disease at all, his widow Revaben, through postal communication, approached this Court with a grievance that her husband Budhabhai Vana while in police custody was mercilessly beaten and done to death by Police Inspector Mr.Solanki.

2. When the death in custody was reported, as expected, magisterial inquiry was ordered by the District Collector or may be by the State and the sub-Divisional Magistrate, having carried out the inquiry, after ascertaining the position from the Jail Doctor as well as the Doctor of SSG Hospital, who carried out the post mortem and prepared note thereof, has come to a conclusion that the allegations against Mr.Solanki are wrong.

3. I have perused the remarks, the report, the post mortem note, the statement of the Doctor, who carried out

the postmortem examination as well as the extract of the statement recorded of the Jail Doctor. They reveal that not only the deceased was of advanced age, but as per the postmortem note, his lungs were otherwise also damaged and due to respiratory failure, the death has occurred. There were no external signs of injuries. During the time the deceased was in jail, he was quite often treated by the Jail Doctor and whenever necessary, he was taken to SSG Hospital as well. Under the circumstances, the allegations made in the postal communication are not borne out. There is also an allegation that the daughter of the deceased as also that of the complainant namely Savita was arrested, kept in police custody and the said Police Officer was alleged to be guilty of custodial rape. There also, the allegations are shown to be totally baseless.

4. The net result, therefore, is that after perusing the affidavit of said Mr.Solanki coupled with the aforesaid report and other papers produced by learned APP Mr.Patel, no substance in the allegation is found. The application is disposed of. Notice is discharged.

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